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Residents take park district to court over dump site

Oswegoans asking that waste be tested

By Paul Kelma
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A group of residents and the Oswegoland Park District were headed to court this morning after a last-ditch effort to settle some of their differences over a dump site.

A group of about 16 property owners along Sundown Lane on April 5 asked the Kendall County Circuit Court to order the district to stop the dumping of wastes in Saw-Wee-Kee Park on the east bank of the Fox River south of Oswego.

The residents want the materials dumped in the 150-acre park, which wraps around their homesites, thoroughly tested to determine the health hazards, according to the civil complaint they filed

with the 16th Circuit Court.

Attorneys for the residents and the district, already under orders from state and federal agencies to cease dumping, met but failed to agree on ways to placate the residents while not admitting fault.

"The park district is willing not to turn a single spade of dirt for a 30-day period to allow time to further investigate whether there is cause for concern," said the district's attorney, John Justin Wyeth, an Aurora lawyer with offices in Naperville.

The residents, he claimed, wanted the district to concede a list of demands that would be "a virtual admission in the litigation, and that was simply unacceptable."

The residents' attorneys say a full analysis of the materials needs to be done because the homeowners are concerned about the health impacts, particularly since they live adjacent to the park and draw water from wells. They want a court injunction to block any site activity until that is done.

"We want some basis for that order being in the record, that there is a possibility that those materials that have been dumped there are hazardous," said the residents' attorney, Robert Pilmer, of the Aurora law firm of Alschuler, Putnam, McWethy, Funkey & Lewis.

"We may not know specifically how hazardous they are, but there is a possibility that they do constitute some hazard to the health and well being" of the residents, he said.

The Illinois Environmental Protection Agency cited the district recently for violating the state's open dumping act, an action similar to one the agency took in 1988 for similar activity at the park.

Among the debris, agency official Mary Glynn said, are plastic foam blocks, concrete with metal reinforcing materials, tires, scrap metal, empty drums and rusted drums containing various materials. She said samples of some of the materials have been sent to a laboratory for testing.

The agency's "administrative warning notice" had given the district until Wednesday to report in writing how it planned to clean up debris visible on Feb. 22 when Glynn, an environmental protection specialist, visited the park. The notice, received by the district on April 4, also gave the district until May 27 to carry out those plans.

The district also has been told by the U.S. Army Corps of Engineers to apply for a permit for another area of the park the district is filling in preparation for one day providing a picnic area.

District executive director Robert "Bert" Gray said Oswegoland intends to comply with both orders, and that dumping has been stopped. Wyeth said the Kendall court action's effect on those orders is unclear.

Saw-Wee-Kee is a largely undeveloped area once used as a strip-mine gravel pit, and later as a dump site for various types of debris.

The district acquired it in 1964 from the Illinois Department of Conservation, Gray said.